

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD W. SELLERS,

Defendant.

Case No. 18-cv-40014-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Government's motion to strike (Doc. 65) two *pro se* filings of defendant Richard W. Sellers in connection with his imminent sentencing (Docs. 62 & 64). The Court further notes a third recent *pro se* filing not addressed in the Government's motion (Doc. 61).

Sellers filed these documents *pro se*, although he is represented by attorney Robert Elovitz. "[A] defendant who is represented by counsel relinquishes the right to file his own *pro se* submissions." *United States v. Khatib*, 606 F. App'x 845, 847 (7th Cir. 2015) (citing *United States v. Williams*, 495 F.3d 810, 813 (7th Cir. 2007)). "Representation by counsel and self-representation are mutually exclusive." *Cain v. Peters*, 972 F.2d 748, 750 (7th Cir. 1992). So-called "hybrid representation" confuses and extends matters at trial and in other proceedings. *See United States v. Oreya*, 263 F.3d 669, 672-73 (7th Cir. 2001). The Court may strike as improper any such *pro se* motions. *See, e.g., United States v. Gwiazdzinski*, 141 F.3d 784, 787 (7th Cir. 1998). The Court hereby **GRANTS** the Government's motion to strike (Doc. 65) and **ORDERS** that Sellers's recent *pro se* filings (Docs. 61, 62 & 64) be **STRICKEN**.

This is not the first time Sellers has filed documents *pro se* while represented by counsel (Docs. 22, 23, 30, 41 & 42). The Court has stricken some of those filings (Doc. 25), and it has

expressly instructed Sellers in a hearing on September 5, 2018, not to continue to communicate with the Court *pro se* while represented by counsel. Sellers has apparently not heeded that instruction. The Court **WARNS** Sellers that if he continues to make further *pro se* filings while he is represented by counsel, the Court will instruct the Clerk of Court to refuse to accept them for filing.

IT IS SO ORDERED.

DATED: February 19, 2019

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**